

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

MARIO TRUJILLO,

No. C 10-5183 YGR (PR)

Plaintiff,

**ORDER ADDRESSING PLAINTIFF'S
PENDING MOTION; REFERRING
MATTER TO MAGISTRATE JUDGE;
AND SETTING TELEPHONIC
HEARING BEFORE MAGISTRATE
JUDGE**

vs.

FRANCISCO JACQUEZ, et al.,

Defendants.

Before the Court is Plaintiff's motion entitled, "Motion Requesting a Court Order for One Time Legal Correspondence Between Inmates" (Docket No. 85). Plaintiff specifically requests the Court to order prison officials at Pelican Bay State Prison ("PBSP") to allow him "one time legal correspondence with inmate McCoy, CDC # T-69025, to attempt to obtain a declaration from this inmate who is a witness to some or all of the Plaintiff's claims in this here action." (Pl.'s Mot. at 1.) First, Plaintiff has not shown that the named Defendants have played any role in the denial of his correspondence with inmate McCoy. Second, there is no legal authority or factual basis for the Court to order prison officials at PBSP to allow Plaintiff to engage in the requested correspondence. Indeed, federal courts have been cautioned to defer to prison officials' determinations about matters concerning the administration of a prison. *See Turner v. Safley*, 482 U.S. 78 (1987).

Accordingly, Plaintiff's motion to correspond (Docket No. 85) is DENIED. Plaintiff and the Deputy Attorney General representing Defendants in this action are encouraged to work out an arrangement to enable Plaintiff to obtain the materials he needs from inmate McCoy, to the extent such communications with other prisoners do not interfere with legitimate penological concerns at the prison.

IT ALSO IS HEREBY ORDERED that the above-captioned case is referred to Magistrate Judge Nandor Vadas for a Report and Recommendation for an Order to Show Cause as to why Plaintiff should not be allowed to obtain a declaration from inmate McCoy. A telephonic hearing before Magistrate Judge Vadas will be held on this matter on **Tuesday, April 9, 2013 at 10:00 a.m.**

1 The Deputy Attorney General will initiate the conference call and have Plaintiff connected on the
2 telephone call before connecting the conference call. The Deputy Attorney General should call the
3 courtroom deputy at (707) 445-3612 in advance to obtain the call-in telephone number. Within ten
4 (10) days after the conclusion of the telephonic hearing, Magistrate Judge Vadas shall file with the
5 Court his Report and Recommendation on the aforementioned matter.

6 The Clerk of the Court shall provide a copy of this Order and Plaintiff's "Motion Requesting
7 a Court Order for One Time Legal Correspondence Between Inmates" (Docket No. 85) to Magistrate
8 Judge Vadas.

9 This Order terminates Docket No. 85.

10 IT IS SO ORDERED.

11 DATED: March 29, 2013

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13 YVONNE GONZALEZ ROGERS
14 UNITED STATES DISTRICT COURT JUDGE
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